



**CHATHAM COUNTY  
BOARD OF COMMISSIONERS  
AGENDA ABSTRACT**

**ITEM NUMBER:**  
**MEETING DATE:**  
1-19-10

**PART A**

**Subject:**

Request by **Kenneth Hoyle and Floyd Coleman** for a conditional use rezoning on Parcel 2759, located at 9555 US 15-501 N, Baldwin Township, from R-1 Residential to Conditional Use Neighborhood Business (CU-NB), on approximately 2.285 acres.

**Action Requested:** See Recommendations

***The following was submitted prior to the Nov. 16, 2009  
Public Hearing:***

1. Application packet
2. Zoning Map of area

***The following was provided after the December Planning  
Board meeting:***

3. Minority report dated December 4, 2009

**Attachments:**

**Submitted By:**

\_\_\_\_\_  
Jason Sullivan, Acting Planning Director

\_\_\_\_\_  
Date

**County Manager Review:**

\_\_\_\_\_  
Charlie Horne, County Manager

\_\_\_\_\_  
Date

**This abstract requires review by:**

☒ **County Attorney**

\_\_\_\_\_  
Date Reviewed

☒ **Finance Officer**

\_\_\_\_\_  
Date Reviewed

☐ **Budget Officer**

\_\_\_\_\_  
Date Reviewed

## PART B

Re: Kenneth Hoyle and Floyd Coleman – rezoning request

**Introduction / Background / Previous Board Actions:** *(Planning Board meeting comments can be viewed in bold, italicized wording)*

A legislative public hearing was held on this request November 16, 2009. No one spoke in opposition of the rezoning request.

***The Planning Board met at their regularly scheduled meeting on December 1, 2009. The discussion was to leave the property zoned residential and allow them to continue as is with a conditional use permit. The thought was that the applicants were receiving special consideration so they could market their property for selling purposes. There was no disagreement that the property is surrounded by other non-residential zoning and did meet the intent of the Land Conservation and Development Plan as indicated in the below notes. The Planning Board voted 8-2 to approve the rezoning request.***

***A minority report was provided to the staff on December 4, 2009 by Mr. Glick which is attached.***

The Planning Division staff and Planning Board are required to make a recommendation on the requested change of the zoning district from R-1 (Residential/Agricultural) to Conditional Use Neighborhood Business District (CU-NB). Such a recommendation is partially based on adopted land use plans and policies as well as pursuant to the Chatham County Zoning Ordinance Section 19. The applicant has addressed this in the application.

### **Issues for Further Discussion and Analysis:**

The Chatham County Land Conservation and Development Plan, here after referred to as the “Plan”, is a general policy plan. Consistency between proposed projects and the objectives and guidelines of the Plan may be argued for or against. A specific plan map was not adopted but a draft map was prepared. You are encouraged to read the entire Land Conservation and Development Plan of 68 pages, which is on the Planning page of the County web site.

Page 2 and 34 of the Plan specifically list this area as either a Compact Community Corridor or an Economic Development Center location. In keeping with uniformity with rezoning approved for adjacent properties, a rezoning from residential to Conditional Use Neighborhood Business is applicable. Both adjacent properties have non-residential zoning as well as the properties on each corner of the intersection across US 15-501 N for a mini warehouse storage and veterinary office. The intersection this existing business is located on is the main entrance into Briar Chapel; a compact community approved in 2005.

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Issues for Further Discussion and Analysis – cont.**

The business currently on the property has been operating for the past 26 years under a conditional use permit for an antique shop in an RA-40 zoning district. The Plan encourages on Page 27 that the continuation of existing commercial be supported and that development sustains the rural character and environmental quality. The applicants have stated they plan to continue to operate this property as they have for the past 26 years but are looking at options to allow for better marketability of the property. The property uses a renovated two-story house with landscaping and additional out buildings that also better serve the rural character as stated in the Plan.

**Recommendation:** The Planning Division and Planning Board recommend approval **by vote of 8-2** to rezone to Conditional Use Neighborhood Business (CU-NB). It is requested the Board of Commissioners review the request at this time.